

## CHAPTER 3-000 LICENSE ISSUANCE PROCESS

### 3-001 Family Child Care Homes

3-001.01 Family Child Care Home I: The licensing process for Family Child Care Home I is a self-certification process completed by the provider and Department staff.

The provider self-certifies that s/he is in compliance with the Family Child Care Home I regulations by completing the following forms provided by and returned to Department staff:

- Application/Affidavit
- Rules Compliance Checklist
- Health Information Report
- Felony/Misdemeanor Statement

An inspection referral will be sent to the appropriate Fire Marshal by Department staff.

3-001.01A Fees: A non-refundable license fee and fire inspection fee will be collected at the time of initial application; a non-refundable license fee will be collected annually thereafter.

Fire inspection fees are determined and collected by the State Fire Marshal and/or their delegated authority after initial licensure.

Fees will be accepted in the form of a check or money order only. Cash will not be accepted.

Department staff shall determine the maximum license capacity by the available space in the child care home and the number authorized by the State Fire Marshal, whichever is fewer.

3-001.02 Family Child Care Home II: The licensing process for Family Child Care Home II requires preclicensing visits by -

1. The State Fire Marshal for a fire safety inspection; and
2. The Department of Health and Human Services for determination of compliance with licensing regulations.

The following forms will be completed and submitted to Department staff in the application process:

Family Child Care Home II Application  
Health Information Report  
Felony/Misdemeanor Statement

3-001.02A Fees: A non-refundable license fee and fire inspection fee will be collected at the time of initial on-site inspection by Department staff; a non-refundable license fee will be collected by Department staff annually thereafter.

Fire inspection fees are determined and collected by the State Fire Marshal and/or their delegated authority after initial licensure.

Fees will be accepted in the form of a check or money order. Cash will not be accepted.

3-001.03 Changing License Types

3-001.03A Provisional Family Child Care Home I to Provisional Family Child Care Home II

3-001.03A1 Amendment of License: A provider with a current Provisional Family Child Care Home I license may amend the license to a Provisional Family Child Care Home II. The provider will be issued a Provisional Family Child Care Home II license effective from the date of amendment to expiration of the Provisional Family Child Care Home I license.

3-001.03A2 Application Process: The provider must follow the application process for a Provisional Family Child Care Home II. If a 60-day visit has been completed on the provider during the provisional license period, another visit is not required unless Department staff determines that a visit should be conducted. Department staff may indicate compliance with the Family Child Care Home II regulations by documenting a telephone conversation with the provider.

3-001.03A3 Fees: A license fee is not required. The State Fire Marshal and/or delegated authority will collect a fee for a fire inspection if applicable. See 391 NAC 3-001.03A4 for fire inspections.

3-001.03A4 Health and Fire Inspections: Department staff will send appropriate referrals if applicable.

3-001.03A5 Orientation: Preservice orientation is not required.

3-001.03B Operating Family Child Care Home I to Operating Family Child Care Home II

3-001.03B1 Amendment of License: A provider with a current Operating Family Child Care Home I license may amend the license to an Operating Family Child Care Home II license if the provider has been licensed for at least one year and is in good standing, i.e., there have been no negative actions (including a licensing agreement) initiated on the license. An agreement regarding the behaviors of household members is not considered a negative action. The provider will be issued an Operating Family Child Care Home II license effective from the date of amendment.

3-001.03B2 Application Process: The provider must follow the application process for an Operating Family Child Care Home II license.

3-001.03B3 Fees: A license fee is not required.

The State Fire Marshal and/or their delegated authority will collect the appropriate fire inspection fee if applicable. See 391 NAC 3-001.03B4 for fire inspections.

3-001.03B4 Health and Fire Inspections: Department staff will send appropriate referrals if applicable.

3-001.03B5 Orientation: Preservice orientation is not required.

3-001.03C Provisional Family Child Care Home II to Provisional Family Child Care Home I

3-001.03C1 Amendment of License: A provider with a current Provisional Family Child Care Home II license may amend the license to a Provisional Family Child Care Home I license. The provider will be issued a Provisional Family Child Care Home I license effective from the date of amendment to the expiration date of the Provisional Family Child Care Home II license.

3-001.03C2 Application Process: The provider must follow the application process for a Provisional Family Child Care Home I license.

3-001.03C3 Fees: A license fee is not required. See 391 NAC 3-001.03C4 for a fire inspection fee.

3-001.03C4 Health and Fire Inspections: No referrals are necessary. The Fire Marshal approval for the Family Child Care Home II will suffice for the Family Child Care Home I at the address for which the provider wishes to become licensed. If the address is different, a referral for a new inspection will be necessary and the applicable fee will be required.

3-001.03C5 Orientation: Preservice orientation is not required.

3-001.03D Operating Family Child Care Home II to Operating Family Child Care Home I

3-001.03D1 Amendment of License: A provider with a current Operating Family Child Care Home II license may amend the license to an Operating Family Child Care Home I. The provider will be issued an Operating Family Child Care Home I license effective from the date of amendment.

3-001.03D2 Application Process: An Operating Family Care Child Home II license can be amended to an Operating Family Child Care Home I if the provider has been licensed for at least one year and is in good standing, i.e., no negative actions (including licensing agreements) have been initiated on the license. An agreement regarding the behaviors of household members is not considered a negative action.

3-001.03D3 Fees: A license fee is not required. See 391 NAC 3-001.03D4 for a fire inspection fee.

3-001.03D4 Health and Fire Inspections: No referrals are necessary. The Fire Marshal approval for the Family Child Care Home II will suffice for the Family Child Care Home I at the address for which the provider wishes to become licensed. If the address is different, a referral for a new inspection will be necessary and the applicable fee will be required.

3-001.03D5 Orientation: Preservice orientation is not required.



3-001.04 Background Checks

1. Nebraska Child Abuse and Neglect Central Registry:
  - a. The names of the applicant, child care provider, licensee, primary provider, secondary provider, regularly identified substitute, director and staff (which includes teachers, assistant teachers and all support staff) will be cleared against the Nebraska Child Abuse and Neglect Central Registry by Department staff.
  - b. When child care is being provided in the residence of the provider, the names of all household members age 13 and older will be cleared against the Nebraska Child Abuse and Neglect Central Registry by Department staff.
  - c. Whenever the name of an applicant, child care provider, licensee, primary provider, secondary provider, regularly identified substitute, director and staff (which includes teachers, assistant teachers and all support staff) and/or household member is identified as being on the Nebraska Child Abuse and Neglect Central Registry as a perpetrator, for an entry made prior to April 18, 1994, staff will notify the individual that his/her name appears on the Register and may proceed with actions necessary to deny or revoke the child care/preschool license.
2. Nebraska Adult Protective Services Central Registry:
  - a. The names of the applicant, child care provider, licensee, primary provider, secondary provider, regularly identified substitute, director and staff (which includes teachers, assistant teachers and all support staff) will be cleared against the Nebraska Adult Protective Services Central Registry by Department staff.
  - b. When child care is being provided in the residence of the provider, the names of all household members age 18 and older will be cleared against the Nebraska Adult Protective Services Central Registry by Department staff.
  - c. Whenever the name of an applicant, child care provider, licensee, primary provider, secondary provider, regularly identified substitute, director and staff (which includes teachers, assistant teachers and all support staff) and/or household member is identified as being on the Nebraska Adult Protective Services Central Registry as a perpetrator, staff may proceed with actions necessary to deny or revoke the child care/preschool license.
3. Felony/Misdemeanor Statements:
  - a. The applicant, child care provider licensee, primary provider, secondary provider, regularly identified substitute, director and staff (which includes teachers, assistant teachers and all support staff) shall submit a completed and signed Felony/Misdemeanor Statement to Department staff.
  - b. When child care is being provided in the residence of the provider, all household members age 19 and older shall submit a completed and signed Felony/Misdemeanor Statement to Department staff, including any crimes for which a juvenile has been adjudicated as an adult.
  - c. The Department may request additional information from the provider and/or community, state, and/or federal law enforcement agencies.
  - d. Whenever the applicant, child care provider, licensee, primary provider, secondary provider, regularly identified substitute, director and staff (which

includes teachers, assistant teachers and all support staff) or household member has a history of criminal behavior, staff may proceed with actions necessary to deny or revoke the child care/preschool license.

### 3-001.05 Visits Conducted by Department Staff

#### 3-001.05A Family Child Care Homes

1. Types of Visits:
  - a. Complaint Investigations
    - These visits will be unannounced;
    - Allegations of maltreatment of children will be addressed within 24 hours of the receipt of the complaint;
    - Allegations of licensing violations will be addressed within five working days of the receipt of the complaint;
    - Allegations regarding unlicensed care will be addressed within ten working days of the receipt of the complaint.
  - b. 60-Day Visits
    - These visits will be unannounced;
    - These visits will be within 60 days of the issuance of a provisional or operating Family Child Care Home I license;
    - These visits will be conducted within 60 days of the amendment of a Family Child Care Home I license because of change of location.
  - c. Initial License Visits
    - These visits will be scheduled in advance with the Family Child Care Home II provider;
    - These visits will assess compliance with all applicable regulations.
  - d. Annual License Visits
    - These visits will be unannounced;
    - These visits to Family Child Care Home I and II providers will assess compliance with applicable regulations.
  - e. Amendment visits
    - These visits will be to Family Child Care Home II providers who are changing locations;
    - These visits will be to Family Child Care Home II providers when there is a change in ownership.
  - f. Consultation/Technical Assistance Visits
    - These visits will be scheduled only upon request of Family Child Care Home I and II providers;
    - These visits will be an opportunity for providers to become better informed of the applicable regulations.



2. Documentation of Visits:

a. Licensing Activity Visits

- (1) Compliance Reviews will be completed for all visits with the exception of Consultation/Technical Assistance Visits. Providers will be given the opportunity to include written comments on the review form and will be given a copy of the review form or checklist at the time of the visit.
- (2) Forms needed to complete initial licensure, annual inspections and amendments to the license will be completed as documentation for these visits.
- (3) Sanitation and Fire Safety referrals will be made to the appropriate agency or delegated authority and documented with an inspection referral when applicable.
- (4) Referrals to other HHS programs or non-HHS resources can be made at the request of the provider or upon determination of actual or potential non-compliance with regulations. Written documentation is not required for resource-only referrals.

b. Complaint Visits

- (1) All allegations of non-compliance on licensed child care/preschools programs and unlicensed care complaints will be entered and tracked on the automated Child Care Complaint Tracking System.
- (2) When a complaint visit is conducted, a Compliance Review form will be completed. Providers will be given the opportunity to include written comments on the review form and will be given a copy of the review form or checklist.

3. Referrals:

a. Child Protective Services/Law Enforcement

- (1) When a complaint alleging child abuse or neglect in a child care/preschool facility is received, staff shall inform the Child Protective Services Unit, providing the name of the complainant whenever possible.
- (2) Coordination with Child Protective Services and/or law enforcement will be maintained throughout the investigation process.
- (3) Copies of Child Protective Services and/or law enforcement report(s) will be obtained following the conclusion of the investigation.
- (4) If non-compliance with regulations is alleged from the investigation, a visit will be made to the child care/preschool program to determine compliance with regulations.

b. Sanitation/Health and Fire Safety

- (1) When a complaint alleging sanitation/health and/or fire safety concerns is received or staff observe conditions that may endanger the health or safety of children, an inspection referral will be sent to the appropriate health/sanitation and/or fire safety authority.
- (2) If the health/sanitation and/or fire safety inspection referral is returned indicating disapproval, staff shall proceed with actions necessary to deny or revoke the child care license.

- c. County Attorney
  - (1) The appropriate county attorney must be given information regarding unlicensed child care programs that require a license based on statute.
  - (2) Follow-up contacts with the county attorney on unlicensed child care referrals will be coordinated by Department staff.
- d. Other: Upon request of the child care/preschool provider or upon determination of actual or potential non-compliance with regulations, staff may make referrals to Department programs, Child and Adult Care Food Program, other state agencies and/or training resources.

3-001.06 Alternative Compliance: The Department may grant alternative compliance with regulations if the Department determines that the alternative offers equal protection for children and meets the intent of the regulation for which alternative compliance is sought. Alternative compliances are not intended to waive or provide exemptions from regulations. Alternative compliances will not be granted for -

- 1. Exceeding the license capacity;
- 2. Staffing;
- 3. Transportation;
- 4. Supervision;
- 5. Fire safety inspection disapprovals; and/or
- 6. Any regulation for which denial or suspension/revocation action(s) has been taken.

Alternative compliances will be time limited.

3-001.07 Multiple Licenses: When multiple licenses are issued to the same provider, all appropriate regulations must be met and all appropriate inspections must be completed. Multiple licenses or approvals may be granted for different types of programs at the same location, i.e., for child care, foster care, adult or elder care. In addition to determining the child care license capacity per program, the Fire Marshal shall determine the maximum number of children, youth, and/or vulnerable adults that can be on the premises at any one time.

An individual may hold a license for more than one child care/preschool program in different locations as long as there is an on-site primary provider/director who meets required regulations and all other staffing requirements are met.

A Family Child Care Home I license will be issued only for the provider's place of residence.

3-001.08 Voluntary Closure/Expiration

1. Upon notice by the provider of the voluntary closure of the licensed child care/preschool program, the Department staff shall complete the necessary closure form.
2. Providers with a Provisional License who voluntarily close and no negative actions are pending shall -
  - a. Reapply for a Provisional License. The previous license will not be reactivated;
  - b. Not have to pay fire inspection fees if the fire/safety inspection was approved and still effective;
  - c. Complete a continuous year with a Provisional License before the issuance of an operating license.
3. Providers with a Provisional License whose license expires -
  - a. May apply for an operating license up to 60 days after expiration when the Provisional License period of one year has been completed;
  - b. Shall apply for a Provisional License if the application is submitted more than 60 days after expiration;
  - c. Shall not have to pay fire inspection fees if the fire/safety inspection was approved and still effective.
4. Providers with an Operating License who voluntarily close and no negative actions are pending -
  - a. May reapply for an operating license up to 60 days after closure if a continuous year of licensing has occurred;
  - b. May reapply for an operating license if licensed for three years or more within the past five years;
  - c. Shall apply for a Provisional License if the application is submitted more than 60 days after closure and if not licensed for three consecutive years or more within the past five years;
  - d. Shall not have to pay fire inspection fees if the fire/safety inspection was approved and still effective.
5. Providers with an Operating License or Provisional License whose license has been revoked -
  - a. Shall not be issued a license for two years from the date of Finding and Order or Declaratory Order;
  - b. After two years, shall apply for a Provisional License.
6. Amended applications will not be processed whenever a negative license action is pending.
7. License effective dates not backdated unless due to agency error.

3-001.09 Voluntary Licensure: Any provider not required to be licensed by Section 71-1910, Nebraska Revised Statutes, 1991, may complete the licensure process. The applicant must comply with all regulations and receive the necessary approval from a fire safety authority.

3-001.10 Complaints Alleging Unlicensed Care: Upon receipt of allegations of unlicensed care, Department staff shall conduct an unannounced visit to the facility. If investigation reveals unlicensed care is occurring, Department staff shall inform the provider of the statute requirements and the licensure process. The provider is given the option of reducing care to three or fewer children or obtaining the appropriate child care/preschool license and is asked to sign a statement agreeing to these conditions. A follow-up visit will be conducted after 30 days to determine if illegal care is continuing to be provided.

If, after 30 days, the provider has not submitted an application for licensure and/or is continuing to provide illegal care, Department staff shall make a referral to the appropriate County Attorney for further action.

3-001.11 Reapplication After Suspension or Revocation: A person who has had a license suspended or revoked shall not be licensed by any city, village, or county rules, regulations, or ordinances until the person is issued a state license.

A person who has had a license suspended or revoked shall not provide care to three or fewer children until the person is issued a state license.

A person who has had his/her child care/preschool license suspended or revoked is not eligible to reapply for any type of child care license for a period of two years from the date of the Finding and Order issued by the Nebraska Department of Health and Human Services if an administrative hearing was held. If a Declaratory Order or an Emergency Closing Order was issued by the Nebraska Department of Health and Human Services and no appeal was filed, a person would not be eligible to reapply for any type of child care license for a period of two years from the date of the Declaratory Order or Emergency Closing Order. If an application is received during this two-year period, the application will be returned to the applicant with relevant documentation indicating that they are ineligible to reapply.

There is no right to an Administrative Appeal for any person determined by the Nebraska Department of Health and Human Services to be ineligible to reapply for any type of child care/preschool license under the above circumstances.

3-001.12 Denial of a License: Denial of a license will be based upon any of the following circumstances:

1. The applicant's unwillingness or inability to comply with regulations;
2. Any entry of the applicant, child care provider, licensee, primary provider, secondary provider, regularly identified substitute, director and staff (which includes teachers, assistant teachers, and all support staff) as a perpetrator on the Nebraska Child Abuse and Neglect Central Registry for inconclusive or court-substantiated child abuse, child neglect, or child sexual abuse;
3. Misdemeanor or felony conviction of the applicant, child care provider, licensee, primary provider, secondary provider, regularly identified substitute, director and staff (which includes teachers, assistant teachers, and all support staff) for child abuse or neglect, child sexual abuse, or sexual assault;
4. Any entry of the applicant, child care provider, licensee, primary provider, secondary provider, regularly identified substitute, director and staff (which includes teachers, assistant teachers, and all support staff) as a perpetrator on the Nebraska Adult Protective Services Central Registry for physical abuse or sexual assault;
5. Conviction, admission, or substantial evidence of any offenses against children or adults including, but not limited to: physical abuse, sexual abuse, sexual assault, neglect, or endangerment by the applicant, child care provider, licensee, primary provider, secondary provider, regularly identified substitute, director and staff (which includes teachers, assistant teachers, and all support staff);
6. Conviction, admission, or substantial evidence of one or more of the following offenses as outlined below, by the applicant, child care provider, licensee, primary provider, secondary provider, regularly identified substitute, director and staff (which includes teachers, assistant teachers, and all support staff):
  - a. Any offenses against adults excluding sexual assault and sexual abuse;
  - b. Felony conviction for the use, possession, manufacturing, or distribution of any controlled substance as defined in Nebraska Revised Statutes, Section 28-405, as it may be amended, or applicable Federal law;
  - c. A history of property crimes, including but not limited to fraud, embezzlement or theft by deception.Mitigating circumstances, number of offenses, length of time since last offense, and intervention, treatment, or rehabilitation may be considered.
7. Fire safety (inspection) disapproval;
8. Sanitation (inspection) disapproval;
9. When child care/preschool is being provided in the home of the child care/preschool provider, the following applies to household members:
  - a. Any entry as a perpetrator on the Nebraska Child Abuse and Neglect Central Registry for inconclusive or court-substantiated child sexual abuse;
  - b. Admission, conviction or substantial evidence of any child/adult sexual abuse, sexual assault, or crimes of a sexual nature including, but not limited to: obscene telephone calls, or any act considered to be lewd, indecent, or lascivious;
  - c. Any entry as a perpetrator on the Nebraska Adult Protective Services Central Registry for sexual assault;

- d. Any household member appearing as a perpetrator on the Nebraska Child Abuse and Neglect Central Registry for inconclusive or court-substantiated physical abuse or neglect, or as a perpetrator on the Nebraska Adult Protective Services Central Registry for physical abuse or neglect, or having a conviction, admission or substantial evidence of having perpetrated physical abuse or neglect of any child or adult must not be on the premises during the hours of operation. Failure on the part of the licensee to comply with this condition will be grounds for denial or revocation of the license.

3-001.13 Appeal Process: Pursuant to Nebraska Revised Statutes, Section 71-1911, the licensee has the right to appeal the denial of a child care/preschool license within ten days of delivery of the notice from the Nebraska Department of Health and Human Services. To initiate action to deny -

1. The licensee must appeal in writing to Legal Services of the Nebraska Department of Health and Human Services Finance and Support within ten days of receiving denial notice.
2. A hearing will be afforded the licensee and notice sent to the licensee with the date, time and location of the hearing.
3. The hearing will be conducted pursuant to the applicable provisions of the Administrative Procedures Act (Nebraska Revised Statutes, Section 84-901, et seq.) as they may be amended from time to time.
4. The burden of proof at the hearing is upon the Department and the standard of proof will be by the preponderance of the evidence.

If an appeal is not made to Legal Services within ten days of notice, a Declaratory Order finding the charges to be true will be issued within fifteen days of delivery of notice.

3-001.13A Action Following the Hearing: Following the hearing, the Director of the Nebraska Department of Health and Human Services shall determine whether the charges are true or not by a preponderance of the evidence, and if true, the Department Director may either -

1. Deny the application for a license; and/or
2. Impose a civil penalty of \$5.00 for each child in the program for each day in violation after the Department issues its finding and violation.

If the Department Director determines that the charges are not true by a preponderance of the evidence, the child care/preschool license will be issued.

3-001.13B Waiver of Attendance at or Failure to Appear at Appeal Hearing: The applicant may waive his/her right to an appeal hearing. The hearing notice provides the applicant with a written means to waive attendance at the hearing.

Failure of an applicant to appear at a scheduled hearing will result in a hearing being held and a decision entered.

After the Director has made a hearing decision, the applicant has the right to appeal this decision to the Nebraska District Court in accordance with Nebraska Revised Statutes, Chapter 84, Article 7.

3-002 Child Care Centers: The licensing process for child care centers requires prelicensing visits by -

1. The Department of Health and Human Services Regulation and Licensure or delegated health authority for a sanitation inspection;
2. The State Fire Marshal or delegated authority for a fire safety inspection; and
3. The Department of Health and Human Services for determination of compliance with licensing regulations.

3-002.01 Required Materials: Health and Human Services shall not issue a license to operate a child care center until the following materials are on file:

1. An application which is current, accurate, complete, and includes a list of all staff including volunteers and substitutes;
2. Evidence of compliance with sanitation rules, fire safety rules, and all Department rules ( current fire safety and sanitation approvals must be maintained for a license to be effective);
3. Written verification of completion of preservice orientation training by the Director;
4. A sketch, diagram, or print of the facility showing -
  - a. The arrangement of rooms to be used by the children, including dimensions; and
  - b. The outdoor play area, including dimensions;
5. A sample daily schedule for each age group in care; and
6. A sample weekly menu.

3-002.02 Fees: A non-refundable license fee and fire inspection fee will be collected at the time of initial application.

A non-refundable license fee will be collected annually.

Fire inspection fees are determined and will be collected by the State Fire Marshal and/or their delegated authority after initial licensure.

Fees will be accepted in the form of a check or money order only. Cash will not be accepted.

Department staff shall determine the maximum license capacity by the center's staff, equipment, furnishings, available space, and by the number authorized by the State Fire Marshal and/or delegated authority and/or the delegated health authority, whichever is fewer.



3-002.03 Changing License Types: Not applicable.

3-002.04 Background Checks: Refer to 391 NAC 3-001.04.

3-002.05 Visits Conducted by Department Staff:

1. Types of Visits:

a. Initial Visits:

- These visits will be scheduled in advance with the child care/preschool center licensee/director.
- These visits will assess compliance with all applicable regulations.

b. Annual Visits:

- These visits will be unannounced and to child care centers/preschools with a license capacity of less than thirty children.
- These visits will assess compliance with applicable regulations.

c. Semi-Annual Visits:

- These visits will be unannounced and to child care centers/preschools with a license capacity of thirty or more children.
- These visits will assess compliance with applicable regulations.

d. Amendment Visits:

- These visits can be announced or unannounced.
- These visits will be to child care centers/preschools when there is -
  1. Change in location;
  2. Change in building or building usage;
  3. Change in director;
  4. Change in licensee/owner;
  5. Change in age of children for whom the facility provides care; and
  6. Change in hours care is provided.

e. Complaint Investigations:

- These visits will be unannounced.
- Allegations of maltreatment of children will be addressed within 24 hours of the receipt of the complaint.
- Allegations of licensing violations will be addressed within five working days of the receipt of the complaint.
- Allegations regarding unlicensed care will be addressed within ten working days of the receipt of the complaint.

f. Consultation/Technical Assistance Visits:

- These visits will be scheduled only upon request of child care center licensee(s)/director(s).
- These visits will be an opportunity for providers to become better informed of the applicable regulations.

2. Documentation of Visits:
  - a. Licensing Activity Visits
    - (1) Compliance Reviews will be completed for all visits with the exception of Consultation/Technical Assistance Visits. Providers will be given the opportunity to include written comments on the review form and will be given a copy of the review form or checklist at the time of the visit.
    - (2) Forms needed to complete initial licensure, annual inspections and amendments to the license will be completed as documentation for these visits.
    - (3) Sanitation and Fire Safety referrals will be made to the appropriate agency or delegated authority and documented with an inspection referral when applicable.
    - (4) Referrals to other HHS programs or non-HHS resources can be made at the request of the provider or upon determination of actual or potential non-compliance with regulations. Written documentation is not required for resource-only referrals.
  - b. Complaint Visits
    - (1) All allegations of non-compliance on licensed child care/preschool programs and unlicensed care complaints will be entered and tracked on the automated Child Care Complaint Tracking System.
    - (2) When a complaint visit is conducted, a Compliance Review form will be completed. Providers will be given the opportunity to include written comments on the review form and will be given a copy of the review form or checklist.
3. Referrals:
  - a. Child Protective Services/Law Enforcement
    - (1) When a complaint alleging child abuse or neglect in a child care/preschool facility is received, staff shall inform the Child Protective Services Unit, providing the name of the complainant whenever possible.
    - (2) Coordination with Child Protective Services and/or law enforcement will be maintained throughout the investigation process.
    - (3) Copies of Child Protective Services and/or law enforcement report(s) will be obtained following the conclusion of the investigation.
    - (4) If non-compliance with regulations is alleged from the investigation, a visit will be made to the child care/preschool program to determine compliance with regulations.
  - b. Sanitation/Health and Fire Safety
    - (1) When a complaint alleging sanitation/health and/or fire safety concerns is received or staff observe conditions that may endanger the health or safety of children, an inspection referral will be sent to the appropriate health/sanitation and/or fire safety authority.
    - (2) If the health/sanitation and/or fire safety inspection referral is returned indicating disapproval, staff shall proceed with actions necessary to deny or revoke the child care/preschool license.

- c. County Attorney
  - (1) The appropriate county attorney must be given information regarding unlicensed child care/preschool programs that require a license based on statute.
  - (2) Follow-up contacts with the county attorney on unlicensed child care/preschool referrals will be coordinated by Department staff.
- d. Other: Upon request of the child care/preschool provider or upon determination of actual or potential non-compliance with regulations, staff may make referrals to Department programs, Child and Adult Care Food Program, other state agencies and/or training resources.

3-002.06 Alternative Compliance: Refer to 391 NAC 3-001.06.

3-002.07 Multiple Licenses: Refer to 391 NAC 3-001.07.

3-002.08 Voluntary Closure/Expiration: Refer to 391 NAC 3-001.08.

3-002.09 Voluntary Licensure: Refer to 391 NAC 3-001.09.

3-002.10 Complaints Alleging Unlicensed Care: Refer to 391 NAC 3-001.10.

3-002.11 Reapplication after Suspension or Revocation: Refer to 391 NAC 3-001.11.

3-002.12 Denial of a License: Refer to 391 NAC 3-001.12.

3-002.13 Appeal Process: Refer to 391 NAC 3-001.13.

3-003 Preschools: The licensing process for preschools requires prelicensing visits by -

1. The State Fire Marshal and/or their delegated authority for a fire safety inspection; and
2. The Nebraska Department of Health and Human Services for determination of compliance with licensing regulations.

3-003.01 Required Materials: Health and Human Services will not issue a license to operate a preschool until the following materials are on file:

1. An application which is current, accurate, and complete, and includes a list of all staff including volunteers and substitutes;
2. Inspection reports showing compliance with all fire safety rules and all Department of Health and Human Services rules; and
3. Written verification of completion of preservice orientation training by the Director.

3-003.02 Fees: A non-refundable license fee and fire inspection fee will be collected at the time of initial application.

A non-refundable license fee will be collected annually.

Fire inspections fees are determined and collected by the State Fire Marshal and/or their delegated authority after initial licensure.

Fees will be accepted in the form of a check or money order only. Cash will not be accepted.

Department staff shall determine the maximum license capacity by the available space in the preschool and the number authorized by the State Fire Marshal and/or their delegated authority, whichever is fewer.

3-003.03 Changing Licensing Types: Not applicable.

3-003.04 Background Checks: Refer to 391 NAC 3-001.04.

3-003.05 Visits Conducted by Department Staff: Refer to 391 NAC 3-002.04.

3-003.06 Alternative Compliance: Refer to 391 NAC 3-001.06.

3-003.07 Multiple Licenses/Multiple Programs: Refer to 391 NAC 3-001.07.

3-003.08 Voluntary Closure/Expiration: Refer to 391 NAC 3-001.08.

3-003.09 Voluntary Licensure: Refer to 391 NAC 3-001.09.

3-003.10 Complaints Alleging Unlicensed Care: Refer to 391 NAC 3-001.10.

3-003.11 Reapplication After Suspension or Revocation: Refer to 391 NAC 3-001.11.

3-003.12 Denial of a License: Refer to 391 NAC 3-001.12.

3-003.13 Appeal Process: Refer to 391 NAC 3-001.13.